

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

# AGENDA

**Wednesday, February 14, 2007**  
**9:00 a.m.**

**Water Quality Control Board  
Regional Board Meeting Room  
9174 Sky Park Court  
San Diego, California**

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, January 31, 2007, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, February 7, 2007 will not be provided to the Regional Board members and will not be considered by the Regional Board.

***PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.***

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail must be submitted to: [rb9agenda@waterboards.ca.gov](mailto:rb9agenda@waterboards.ca.gov) to insure consideration by the Regional Board. Type the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.4, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, January 31, 2007.

***Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of order at the discretion of the Chairman.***

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Board regarding a matter within the Board's jurisdiction that is not related to an item on this Meeting agenda. **Comments will generally be limited to three minutes, unless otherwise directed by the Chair.** Any person wishing to make a longer presentation should contact the Executive Officer at least twenty days prior to the meeting. Comments regarding matters that are scheduled for a future Meeting will be restricted.
3. Minutes of Board Meeting: January 24, 2007.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

***Consent Calendar: Items 5 through 7 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)***

5. New NPDES Permit: San Diego State University, Research Foundation Coastal Waters Laboratory, Discharge to San Diego Bay (tentative Order No. R9-2007-0006, NPDES No. CA0109231) (*Victor Vasquez*)
6. Amendment of Waste Discharge Requirements: General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Hazardous and Nonhazardous Landfills within the San Diego Region (tentative Addendum No. 5 to Order No. 97-11) (*Amy Grove*)
7. Authorization for Executive Officer to sign a No Further Action (NFA) letter for the 41 Area Waste Stabilization Pond - Site 9, Marine Corps Base Camp Pendleton (MCBCP) (*Beatrice Griffey*)

***Remainder of the Agenda (Non-Consent Items):***

8. Waste Discharge Requirements: Sewage Collections Agencies in the San Diego Region. The Regional Board will consider adoption of an Order that will augment State Water Board Order No. R9-2006-003-DWQ and supersede current Regional Board Order No. 1996-004 reaffirming the Regional Board's prohibition of sanitary sewer overflows. (Tentative Order No. R9-2007-0005, *previously tentative Order No. R9-2006-0121*) (*Joann Cofrancesco*)
9. Status Report: TMDL Program Workplan. The Regional Board will hear a report from staff on the status of ongoing TMDL projects and the schedule for pending TMDL projects. (*Julie Chan*)
10. Status Report: Reissuance of the Regional Board's Waiver Policy. The Regional Board will hear a report from staff on the schedule for reissuance of the Waiver Policy adopted in 2002. (*Wayne Chiu*)

11. Status Report: Regulation of discharges from graywater systems. The Regional Board will hear a report from staff on the current regulation of discharges from graywater treatment systems and pending changes to that regulatory scheme. (*Art Coe*)

12. *Executive Session* - Discussion of Ongoing Litigation  
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

*Divers' Environmental Conservation Organization v. State Water Resources Control Board*, San Diego Superior Court, Case No. GIC819689. Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water.

*Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region*. San Diego Superior Court, Case No. GIC 822750. Verified Petition for Writ of Mandate for Breach of Contract.

*Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region*. San Diego Superior Court, Case No. GIC 824706. Verified Petition for Writ of Mandate for Breach of Contract.

*People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al.*. United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61

*San Diego Unified School District, a public school district, Plaintiff v. County of San Diego, a public entity, San Diego Regional Water Quality Control Board, a public entity and DOES 1 through 25, inclusive, Defendants*. Superior Court of the State of California for the County of San Diego, Case No. GIC840390; First Amended Complaint for: 1) Breach of Contract-Lease Agreement, 2) Breach of Contract-Sharing Agreement, 3) Quantum Meruit; 4) Express Indemnity; 5) Implied Indemnity and Contribution; 6) Equitable Indemnity Contribution; 7) Nuisance; 8) Trespass; 9) Inverse Condemnation; 10) Preliminary and Permanent Injunction; 11) Declaration of Relief Against the County of San Diego; and 12) Declaration of Relief Against the Regional Water Board and County.

13. *Executive Session* - Consideration of Initiation of Litigation  
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act. (*John Robertus*)
14. *Executive Session* - Discussion of Pending Litigation  
The Regional Board may meet in closed session to discuss pending litigation.

15. *Executive Session - Personnel*  
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
16. Election of Chair and Vice Chair. Porter-Cologne Water Quality Control Act, Chapter 4, Article 2, paragraph 13220(b), Each regional board shall select one of its members as chairman at the first regular meeting held each year. Following the election of the Chair, the Board will elect a Vice Chair.
  - a. Election of Chair
  - b. Election of Vice Chair
17. Arrangements for Next Meeting and Adjournment  
 Wednesday, March 14, 2007 - 9:00 a.m.  
 Water Quality Control Board  
 Regional Board Meeting Room  
 9174 Sky Park Court  
 San Diego, California

### ***Notifications***

#### **A. Public Participation 30-day Notice**

##### **Proposed UST Closure - Site 21453/21454, MCB Camp Pendleton**

The Site Mitigation & Cleanup Unit has reviewed the "Final Groundwater Sampling Report and Request for Closure, UST Site 21453/21454, Marine Corps Base Camp Pendleton, California" prepared by SES-TECH dated November 30, 2006. In the report, the consultant recommends no further action at the site of petroleum hydrocarbon contaminated soil as a result of an unauthorized release from the former underground storage tank (UST). Corrective action included the excavation and proper disposal of contaminated soil. Subsequent groundwater samples indicate that residual concentrations of hydrocarbons do not pose a threat to human health or the environment, and the unauthorized release case may be closed. The case files and Corrective Action Plan (CAP) are available for public review by submitting a file review request to the Regional Board office. This public notice fulfills the Regional Board's obligation to inform the public of completed corrective action as required by California Code of Regulations (CCR), Title 23, Division 3, Chapter 16, Article 11, Section 2728(a). Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after March 5, 2007. (*Robert Pierce*)

B. On January 22, 2007, the Executive Officer issued Order R9-2007-0016: "Investigative Order for Soil and Groundwater Investigation, a Corrective Action Plan, and Groundwater Monitoring" to ConocoPhillips for the Former Aztec Gas Station, 1540 East 8th Street in National City. Site related free phase petroleum product and other pollutants are present in groundwater resources located in proximity to the El Toyon municipal supply wells in National City. The Order was issued to ensure Discharger compliance with applicable corrective action requirements in CCR Title 23, Chapter 16, Article 11. (*Sue Pease*)

C. San Diego County Water Authority, San Vicente Pipeline Dewatering Project: On January 22, 2007, the Regional Board Executive Officer issued Administrative Civil Liability Compliant No. R9-2007-0014 recommending a \$120,000 assessment of civil liability against San Diego County Water Authority for violations of effluent limitations contained in Order No. 2001-96,

NPDES No. CAG919002, General Waste Discharge Requirements and Similar Waste Discharges from Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters Within the San Diego Region Except San Diego Bay. The Complaint alleges that San Diego County Water Authority exceeded the instantaneous maximum and average monthly effluent limitations for total nitrogen on 43 occasions between December 2005 and November 2006. A public hearing is scheduled for April 11, 2006. Additional information can be found on the Regional Board's website at [www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego) or by contacting Rebecca Stewart at (858) 467-2966 or [Rstewart@waterboards.ca.gov](mailto:Rstewart@waterboards.ca.gov). (*Rebecca Stewart*)

#### DIRECTIONS TO REGIONAL BOARD MEETING

- From Downtown: I-15 north - take the Aero Drive exit - turn left (west). Proceed to the 3<sup>rd</sup> stoplight, which is Ruffin Road – turn right. Turn left on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.
- From the North: I-15 south - take the Balboa Ave. exit - turn right (west). Proceed to the 2<sup>nd</sup> stoplight, which is Ruffin Road – turn left. Turn right on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.